

Initiative Measure to be Submitted Directly to the Voters

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

An Initiative Legalizing Marijuana (Cannabis) Retail, Cultivation, Manufacturing, and Distribution Businesses in the City of Chula Vista

It is currently illegal to operate any type of marijuana (cannabis) business within the City of Chula Vista. The proposed initiative repeals this prohibition and proposes instead to allow the operation of an unspecified number of cannabis retail, cultivation, manufacturing, and distribution businesses within Chula Vista. The specific terms of the initiative are summarized below.

The retail sale of cannabis would be authorized, subject to approval of a conditional use permit (CUP), in all of the City's existing commercial zones, and the mixed-use zones of the "Village Specific Plan area." Retailers could operate from 7:00am to 9:00pm, seven days a week. Offsite delivery services would also be allowed. Retailers could not be located within 1,000 feet of: other cannabis retailers; day care centers; or schools providing kindergarten through 12th grade education. Consultations by medical professionals are prohibited at retail establishments. Lighting and security requirements are imposed.

The cultivation, manufacture, and distribution of cannabis would be authorized in all of the City's industrial zones, subject to approval of a CUP. Cultivators would be restricted to indoor cultivation, with no visual evidence of cultivation allowed from public rights-of-way. Records of cultivation must be made available to City inspectors upon request. Manufacturers would be limited to producing edible cannabis products and would be prohibited from conducting extraction of cannabis concentrates onsite. Cultivators, manufacturers, and distributors must provide a specified level of security. Public access and sales on premises would be prohibited, as would the public release of business addresses.

CUPs would be required for all cannabis businesses and may contain standard city-imposed and state licensing conditions. City may conduct a background check of the person(s) responsible for the operation, management, or ownership of a cannabis business. A responsible party with a felony conviction would be ineligible. All CUPs would expire no later than five years from the date of issuance. City may charge a reasonable CUP application fee and a reasonable annual fee to regulate cannabis businesses. No additional city zoning restrictions could be considered.

City could revoke or suspend a CUP in response to legitimate complaints concerning smell, noise, loitering; non-compliance with a CUP condition; or violation of any state or local regulation. City must provide permittees with a reasonable opportunity to correct cited violations before suspension or revocation of a CUP.

All cannabis businesses with three or more employees must enter into “labor peace agreements” assuring labor union access to communicate with and organize employees.

The initiative also authorizes qualified patients to cultivate up to 100 square feet indoors for personal use, and primary caregivers to cultivate up to 500 square feet indoors for qualified patients. Personal cultivation must conform to state law and local codes, but no additional City permission or registration would be necessary.

The above is a summary of the terms of the proposed measure as required by Elections Code §9203. It does not contain any legal analysis or reflect any opinion concerning the proposed measure.